



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2018-0005

Approved by Planning and Zoning: March 27, 2018

Permission is hereby granted to: Nova Hospitality LLC

to use the premises located at: 1501 Mount Vernon Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

3/27/18

Date

Karl Moritz ^{ADT}
Karl Moritz, Director
Department of Planning and Zoning

DATE: March 27, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0005
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Nova Hospitality LLC
Location: 1501 Mount Vernon Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2018-0005 is a request to change ownership of an existing restaurant from Marylisa Damiani and Daniel Lichens to Nova Hospitality LLC. No changes to the operation are proposed and the applicant would continue to operate a restaurant with 76 indoor seats, 24 outdoor seats, on and off premises alcohol sales, limited live entertainment, a parking reduction, and operating hours of 7 a.m. to 12 midnight, daily (outdoor operating hours are limited to 7 a.m. to 10 p.m., daily). The restaurant would operate under the name, Charlie's on the Avenue.

Background

A restaurant has operated out of this site since 2002. In 2011, the applicant was warned of violations pertaining to Condition #20 (paving) and #25 (mechanical screening), both were abated. Finally, inspections in 2014 revealed violations of Condition #20 (parking lot repaving). On October 10, 2017, staff visited the subject property and found no violations of the conditions of Special Use Permit #2004-0045.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizen's Association was sent an e-mail with information about the current application. Staff has not received any complaints or public comment that would require staff to docket the special use permit for public hearing.

Parking

In 2004, under SUP#2004-0045, the applicant was approved for a parking reduction of 19 spaces. The applicant was also conditioned to maintain six on-site parking spaces, and an updated agreement with the Burke and Herbert Bank at 306 East Nelson Avenue for patron parking on weekends and evenings. Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance the restaurant is required to provide one parking space for every 1000 square feet of floor area. The first 20 outdoor dining seats are exempt from the parking requirement as stipulated in Section 8-200 (A)(17)(c). The restaurant contains approximately 3,100 square feet of floor area, and 60 square feet of countable outdoor dining area thus the applicant is required to provide four parking spaces for the restaurant. The applicant exceeds the requirement by providing six on-site parking spaces and a parking agreement with Burke and Herbert Bank at

300 East Monroe Avenue for evening and weekend parking. Section 8-200 (F)(7) of the Zoning Ordinance permits businesses that provide more than the required amount of parking to maintain their parking arrangements without the need for a separate SUP to exceed the maximum parking requirements as established prior to February 24, 2018.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens and Rosemont Citizens Associations were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff Action

Staff does not object to the change of ownership request. The continuation of a restaurant establishment at the southernmost end of the Mount Vernon Avenue Business Area Plan would continue to serve nearby residents and visitors. The change of ownership request would be required to follow the previously approved conditions. The applicant provided an updated agreement with the Burke and Herbert Bank for parking during weekends and evenings, meeting the requirements of Condition #19 and satisfying the parking requirement.

Staff has amended conditions to reflect current language and eliminate conditions already satisfied at the site. Condition #3 (outdoor dining layout), #4 (indoor live entertainment), and #22 (landscaping maintenance) have been amended. Conditions #6 (hours of operation) and #15 (equipment cleaning) have been amended with current condition language. Staff deleted Condition #21 (streetscaping) as paving has been completed. Staff deleted Condition #23 (street trees contribution) because it has been satisfied by the previous applicant. Staff also amended Condition #24 to reflect the removal of the sign referenced in the 2002 Special Use Permit. Finally, staff added Conditions #33 (restricting outdoor dining), #34 (outdoor dining area maintenance), and #35 (live entertainment) to specify language on prohibiting the encroachment of outdoor dining into the public right of way dining equipment, ensuring the maintenance of the outdoor dining area, and prohibiting live entertainment in the outdoor dining area.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 27, 2018

Action: Approved


Mary Christesen, Acting Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0005

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2002-0007)
2. Seating shall be provided for a total of no more than 100 patrons, including both indoor and outdoor dining areas. (P&Z)(SUP#2004-0045)
3. **CONDITION AMENDED BY STAFF:** Outside dining facilities are permitted in front of the restaurant along Mount Vernon Avenue, generally consistent with the applicant's proposal as shown in SUP#2004-0045 depicting tables and chairs. ~~Prior to the construction of an outdoor patio, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for the area's design, material and location.~~ Outdoor dining activities shall not encroach upon the right-of-way, unless an encroachment permit is granted. The applicant shall ensure that access is provided in accordance with building and fire requirements and that the seating area is cleaned at the close of each day of operation. (P&Z) (SUP#2004-0045)
4. Indoor live entertainment shall be permitted in the form of small musical ensembles to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2004-0045)
5. Condition deleted. (P&Z) (SUP#2004-0045)
6. The hours of operation for indoor seating shall be limited to between 7:00 A.M. and 12:00 midnight daily. The hours of operation of the outdoor dining area shall be limited from 7:00 A.M. to 10:00 P.M. daily. (P&Z) (SUP#2004-0045)
7. No trash pick-up or loading or unloading operations may occur between 6:00 P.M. and 8:00 A.M. daily. (P&Z) (SUP#2002-0007)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2002-0007)
9. Alcoholic beverages may be sold for on- and off-premise consumption. The off-premise consumption shall be limited to wine, which may be sold in bottles of at least 375 ml.. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries and similar wines may be sold. (P&Z) (SUP#2004-0045)
10. No food, beverages, or other material, except wood used to fuel the oven, shall be stored outside. (PC) (SUP#2002-0007)

11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2002-0007)
12. Any dumpster used on-site shall be screened to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2002-0007)
13. Condition deleted. (P&Z) (SUP#2004-0045)
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2002-0007)
15. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2002-0007)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2002-0007)
17. No amplified sound shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building. (T&ES) (P&Z) (SUP#2002-0007)
18. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2002-0007) (T&ES)
19. The applicant shall post signs directing patrons to the availability of off-site parking made available by the applicant at the Burke and Herbert Bank located at 306 East Monroe Avenue. (P&Z) (SUP#2002-0007)
20. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall redesign, repair and stripe the parking lot in a manner generally consistent with staff's attached plan (dated March 2002) to the satisfaction of the Directors of the Department of Transportation and Environmental Sciences and the Department of Planning and Zoning. (T&ES) (P&Z) (SUP#2002-0007)~~
21. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~When the City proceeds with its streetscaping and utility undergrounding program for this area, the applicant shall participate in such program for the purpose of installing masonry paving in accordance with Mt. Vernon Avenue Design Guidelines. The applicant shall pay the City of Alexandria to install masonry pavers from the edge of the public right of way to the front building wall of the restaurant (on private property). (P&Z) (T&ES) (SUP#2002-0007)~~

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0005. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1501 Mount Vernon Avenue.

Applicant - Signature

Date

Applicant - Printed

Date

22. **CONDITION AMENDED BY STAFF:** The applicant shall provide and maintain in good condition landscaping generally consistent with the approved plan submitted with SUP#2002-0007 and shall in addition install planters on the patio with seasonal plants and at a size and location to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2004-0045)
23. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contribute \$500 to the City for the City's installation of two street trees in front of 1501 Mount Vernon Avenue to the satisfaction of the Director of the Department of Planning and Zoning and the City Arborist. (P&Z) (SUP#2002-0007)~~
24. **CONDITION AMENDED BY STAFF:** Directional signage attached to the building such as 'No Parking' or 'Loading Area' is allowed. ~~The existing sign on the Nelson Avenue side (southern side) of the subject building shall be removed. A replacement sign of smaller size without internal illumination may be erected on the building to the satisfaction of the Director of Planning and Zoning, after consultation with the applicant and the citizens association. (City Council) (SUP#2002-0007) (P&Z)~~
25. The applicant shall screen and place the exterior mechanical equipment to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2002-0007)
26. The applicant shall maintain the existing brick wall located at the southeast corner of the subject lot or replace it with a similar size structure or landscaping to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2002-0007)
27. Condition deleted. (P&Z)(SUP#2004-0045)
28. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2002-0007)
29. Alterations or repairs to existing exterior lighting fixtures or new exterior lighting fixtures shall be shielded so as not to cause glare onto adjacent residential properties. (T&ES) (P&Z) (SUP#2002-0007)
30. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2004-0045)

31. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0045)
32. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2004-0045)
33. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
34. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
35. **CONDITION ADDED BY STAFF:** No live entertainment shall be allowed in the outdoor dining area. (P&Z)

Re: 1501 Mount Vernon Avenue

Jeremy Barber <jeremy@liveoakdelray.com>

Fri 4/13/2018 9:34 AM

To: Madeleine Sims <Madeleine.Sims@alexandriava.gov>;

Cc: Melissa Dunn <Melissa.Dunn@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>;

Thank you. Attached is the signed page 7.

SUP#2018-0005
1501 Mount Vernon Avenue

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0005. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1501 Mount Vernon Avenue.


Applicant - Signature

4-13-2018
Date

JEREMY BARBER
Applicant - Printed

4-13-2018
Date

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On Apr 10, 2018, at 11:24 AM, Madeleine Sims <Madeleine.Sims@alexandriava.gov> wrote:

Jeremy,

Please see attached for the updated condition to permit off-premises sales of beer. Let me know if you have any questions.

Kind regards,
Madeleine

Madeleine Sims | Urban Planner
City of Alexandria, Virginia
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